

***Before Final - Official***

**Practitioner's Docket No.: 868\_007**

***PATENT***

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Teruo NISHIDA, Yoriyisa UETAKE and Hiroaki IWATA

Ser. No.: 10/540,446

Art Unit: 1651

371(c) Date: May 8, 2006

Examiner: Thane E. Underdahl

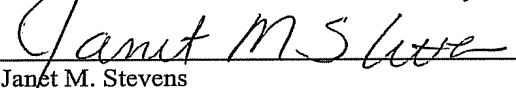
Confirmation No.: 4642

For: OPTHALMOLOGICAL COMPOSITION

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**EFS CERTIFICATE OF TRANSMISSION**

I hereby certify that this paper is being transmitted via EFS  
to the Patent and Trademark Office on **July 17, 2008**.

  
Janet M. Stevens

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In response to the Office Action mailed June 23, 2008, applicants hereby  
provisionally elect, with traverse, to prosecute the claims of Group I (claims 1-7) in this  
application.

However, applicants respectfully traverse the restriction requirement since the  
subject matter of claims 1 - 8 is sufficiently related that a thorough and complete search  
for the subject matter of the elected claims would necessarily encompass a thorough and  
complete search for the subject matter of the non-elected claims. Thus, it is respectfully  
submitted that search and examination of the entire application could be made without  
serious burden. See MPEP §803 in which it is clearly stated that "[i]f the search and  
examination of an entire application can be made without serious burden, the Examiner

must examine it on the merits." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to applicants and improper duplicative examination by the Patent Office.

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

July 17, 2008

Date

Respectfully submitted,



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